THE FOURTH DAY.

3rd March 1921.

The Assembly met at 11-30 A. M. on Thursday, the 3rd March 1921.

32. Desirability of introducing certain changes in the Jenmi and Kudiyan Regulation.

Mr. R. Madhavan Unnithan (Member, Kunnattur Taluk) gave the history of the law on the subject of jenmom property and pointed out the defects in the incidents of tenure affecting jenmom lands. The system of "complex ownership" with respect to these lands was a real bar to land improvement, and the relationship between the jenmi and the kudiyan was anything but satisfactory. The law on the subject, Regulation V of 1071, was defective inasmuch as there was no provision in it in respect of verpattom lands belonging to jenmies, as the rights of the kudiyans on the one hand and of the jenmies on the other were unsettled and had to be definitely determined and provided for in the statute. These two circumstances, the Member said, gave rise to considerable litigation and discontent. The Member therefore requested that the suggestions of the Jenmi and Kudiyan Committee be soon taken into consideration and a law be enacted to define the relative rights and duties of the jenmies and kudiyans, in view to minimise litigation and encourage agriculture.

Dewan's reply.—I have already said in my opening Address that the Additional Head Sirkar Vakil is engaged in drafting a Bill to amend the Jenmi and Kudiyan Regulation. Mr. Unnithan's chief charge against the Government is the delay that has been allowed to occur in the matter. The Additional Head Sirkar Vakil says that it was only a few months ago that he was definitely asked to study the records and frame the Bill. He is now at it and he expects to submit the draft Regulation to Government within three months. I may assure the Member that Government will proceed with its consideration without avoidable delay when it reaches their hands.

33. The urgent need for amending the Nair Regulation allowing Makkathayam and individual partition among Nairs.

Mr. M. Krishnan Govindan (Member, Tiruvalla Taluk) prefaced his representation by saying that the demand for partition among Nairs was not a new one. It was, as the result of repeated representations from the leaders of the community, that the Marumakkathayam Committee was appointed, and the Nair Regulation, I of 1088, was passed. Although nearly 88 per cent. of the witnesses examined by the Committee were for partition, the Bill did not provide for the partition of Nair tarwads. That was a defect which the community in general felt very keenly. The Member pointed out that, though the Nairs were in point of intelligence and capacity for work second to no other community, their system of inheritance was responsible for their present distress and degeneration. Individual partition and Makkathayam were the only salvation for the community and the cry for these changes had been vigorously going on for more than half a dozen years. He prayed in conclusion that the Regulation be so amended as to make provision for (1) individual partition in Nair tarwads, (2) Makkathayam among Nairs and (3) strict monogomy.

The Member also submitted a number of petitions and resolutions, passed at different centres asking for the suggested amendment of the law, received by him as Vice-President of the Nair Social Reform League, Tiruvalla.

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Mr. P. K. Narayana Pillai (Member, Municipal Council, Kottayam) in urging the need for making legal provision for partition in Nair tarwads, said that, although only 8 years had passed since the passing of the Nair Regulation, I of 1088, there was a strong consensus of opinion in favour of amending it. That was because the Regulation, while being merely a "graft" on the pre-existing customary law, did not deal with the whole of it, but only a parcel of such law; and the existing statutory provisions were inadequate to meet the aspirations of the Nair community. He then pointed out that, though, as a result of the legal recognition in the Regulation of the marital unions of Nair females, the rights of maintenance, guardianship, &c., have followed, the law did not provide adequate means of enforcing those rights. The Member cited the instance of a Nair or Nambutiri husband who had no self-acquired and separate property to be proceeded against for the satisfaction of a decree awarding maintenance to the wife. He, therefore, suggested that a charge should be created on the husband's or father's tarwad properties for the maintenance of a Nair wife and children. The Member also brought to notice that the claim for restitution of conjugal rights was similarly unenforceable by a Nair or Nambutiri husband, because, if he was a junior member, it was open to the karanavan to object to the wife's residence in the husband's family. The case would be different, if individual partition were allowed. He suggested the following changes in the Regulation :—

(1) the distinction of half and whole maintained in Sections 12 to 14, in the matter of inheritance, should be done away with;

(2) there should be the right of inheritance in the case of non-Nair husbands or fathers;

(3) Section 19 requiring the written consent of the junior member for the sale of movables including cocoanuts should be modified, as such restriction could not have been intended.

The Member concluded by saying that economic and industrial development was impossible without individual partition and prayed for such partition being provided for in the statute.

Dewan's reply.—I have heard the very interesting and valuable remarks of Messrs. Govinda Pillai and Narayana Pillai regarding the Nair Regulation Amendment Bill which is now before the Legislative Council. I am sure that, when the Bill passes through the Legislative Council, these observations will be duly considered.

34. Observations on the draft Ezhava Bill.

Mr. R. Kochummini (Member, Nominated) represented that the Ezhava community viewed with pleasure the action taken by Government to introduce a uniform system of law among its members throughout the State. He, however, pointed out that the members of the Committee appointed to investigate the system of inheritance, &c., obtaining among the Ezhavas and to report the lines on which legislation was needed did not discharge their duties satisfactorily. He stated that the members of the Committee had preconceived notions on the subject, that they conducted the examination of witnesses in such a manner as to strengthen their own views and that they did not care to ascertain the general sense of the community. The Member complained that the Bill introduced into the Legislative Council was defective in many respects and did not meet with the approval of the community.

First, with regard to clause 14, the Member said that the system of inheritance therein proposed tended to pave the way for Makkathayam, which was too radical a change and was unsuited to the present condition of the community. The mixed system of inheritance which was followed by a large proportion of the community was quite enough to meet the present requirements. The evidence collected by the Ezhava Law Committee was, in that respect, not satisfactory, because most of the witnesses who deposed before the Committee in support of the principle were ignorant persons who did not know what they were speaking about. The Member also observed that the provision that the self-acquired property of an Ezhava dying without issue should devolve on his wife was inequitable, inasmuch as it left out of account the poor old parents, if any, of the deceased. In the Member's opinion

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